

Serial No. 10/583,673
Reply to Office Action Dated 1/27/10

PF030182
Customer No. 24498

REMARKS

Claims 1-8 and 10 are pending in the Application. Claim 1-8 and 10 are rejected by Examiner. Claims 1, 2, 5, and 10 have been amended. No new matter has been added.

Communication with Examiner

During a series of telephone communications with the Examiner, the Examiner clarified that he was looking for recitation of a computer device executing the steps in the body of the claims.

Amendments to the Claims

Claims 1, 2, 5, and 10 have been amended to clarify that steps of the method are performed by a computer device. No new matter has been added.

Claim Rejections Pursuant to 35 U.S.C. §101

Claims 10

Claim 10 has been rejected under 35 U.S. C. §101 as failing to recite a computer or processor executing the steps of the method.

Claim 10 has been amended as suggested by the Examiner to recite a computer device executing steps of the method of set forth on the computer readable medium. Applicant believes this amendment overcomes the Examiner's rejection.

Claims 1-8

Claims 1-8 have been rejected under 35 U.S. C. §101 as not falling within one of the four statutory categories of invention. Specifically, a computer or processor is not recited in the body of the claims as performing the steps of the method.

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Claims 1, 2 and 5 have been amended as suggested by the Examiner to recite a computer device performing steps of the method. Applicant believes these amendments overcome the Examiners rejection.


CONCLUSION

Applicant respectfully submits that the amended pending claims patentably define over the cited art and respectfully requests reconsideration and withdrawal of the 35 U.S.C. §101 rejection of the pending claims. Renewed reconsideration for a Notice of Allowance is respectfully requested.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,
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